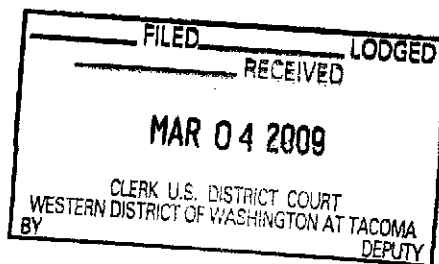




08-CR-05264-ORD

JUDGE BURGESS



UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

MICHAEL JAMES,)

Defendant.)

No. CR 08-5264 FDB

ORDER FOR COMPETENCY
EXAMINATION

THIS MATTER is before the Court upon Defendant's Motion for a Competency Hearing. After reviewing the supporting declaration of Keith A. MacFie stating his concerns about the defendant's competency, the Court finds that there is reasonable cause to believe that the defendant may be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him, to enter a knowing

EXAM ORDER

1

Keith A. MacFie

Attorney at Law

711 S. Commerce St., Ste. 210

Tacoma, Washington 98402

253-627-6911

1 intelligent and voluntary plea, or to assist properly in his
2 defense. Therefore,

3 IT IS HEREBY ORDERED, pursuant to Title 18, United States
4 Code, Sections 4241(b) and 4247(b), that defendant be committed
5 to the custody of the Attorney General at a suitable facility
6 for a period not to exceed 30 days and be examined during that
7 time by a psychiatrist and/or psychologist chosen by the
8 Attorney General who shall conduct a competency examination to
9 attempt to determine if the defendant is able to understand the
10 nature of the charges and proceedings against him, is able to
11 enter a knowing, intelligent and voluntary plea, and if the
12 defendant is able at present to assist in the preparation of his
13 defense. To the extent practicable, this examination shall be
14 done within the Western District of Washington or the closest
15 suitable facility to the Court.
16

17 IT IS FURTHER ORDERED that pursuant to Title 18, United
18 States Code, Section 4241(b), the examination shall be completed
19 within THIRTY (30) DAYS of the date defendant enters the custody
20 of the Attorney General, with allowance for an additional
21 FIFTEEN (15) DAYS upon a showing of good cause by the director
22 of the examining facility that the additional time is necessary
23

24 EXAM ORDER

25 2

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1 to observe and evaluate the defendant. Leave of Court for the
2 fifteen (15) day extension, if sought, must be sought prior to
3 the expiration of the initial thirty-day period.

4 IT IS FURTHER ORDERED that the defendant shall cooperate
5 with the psychiatrist and psychologist during this examination;

6 IT IS FURTHER ORDERED that the report generated pursuant to
7 this Order be prepared and disseminated in accordance with the
8 requirements set forth in Title 18, United States Code, Section
9 4247(c).

10 IT IS FURTHER ORDERED that the Court recommends to the
11 Bureau of Prisons that he be designated for evaluation at the
12 Federal Detention Center-SeaTac.

13 IT IS FURTHER ORDERED, that, if the suitable facility is
14 not the Federal Detention Center - SeaTac, the United States
15 Marshals Service transport the defendant to the suitable
16 facility within ten days of the date defendant enters the
17 custody of the Attorney General and return the defendant to the
18 Federal Detention Center - SeaTac within ten days of the
19 completion of the examination ordered herein.
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24 EXAM ORDER

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Keith A. MacFie

Attorney at Law

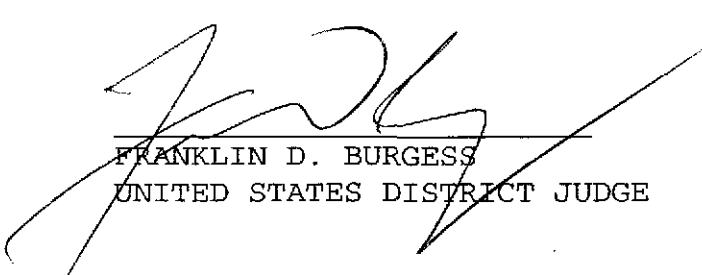
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253-627-6911

1 The Clerk of the Court is directed to provide copies of
2 this Order to all counsel for the defendant and the government
3 and to the Bureau of Prisons.

4 Dated this 3 day of March, 2009.

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7 
8 FRANKLIN D. BURGESS
9 UNITED STATES DISTRICT JUDGE
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24 EXAM ORDER

25 4

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